

**REPORT - PLANNING COMMISSION MEETING  
May 22, 2003**

**Project Name and Number:** R-3 Zoning District (PLN2003-00225)

**Applicant:** City of Fremont

**Proposal:** To consider a City-initiated Zoning Text Amendment (ZTA) to create a new Multi-Family Zoning District (R-3) and to revise associated portions of the Fremont Municipal Code for compatibility with the new zoning district; including but not limited to definitions, parking standards, and special provisions.

**Recommended Action:** Recommend Zoning Text Amendment PLN2003-00225 to the City Council.  
Recommend that the City Council direct staff to prepare multi-family design guidelines.  
Recommend that the City Council direct staff to prepare revisions to the City's Development Policies and Landscape Requirements for review and approval.

**Location:** Citywide

**Assessor Parcel Number(s):** N/A

**Area:** N/A

**Owner:** N/A

**Agent of Applicant:** N/A

**Consultant(s):** N/A

**Environmental Review:** A Negative Declaration has been prepared and circulated for this project.

**Existing General Plan:** Various medium, high, and very high density residential designations.

**Existing Zoning:** N/A

**Existing Land Use:** N/A

**Public Hearing Notice:** Public hearing notification is applicable. A Display Ad and Public Hearing Notice were delivered to The Argus on May 6, 2003 and May 7, 2003, respectively, to be published by May 12, 2003. Approximately 325 public hearing notices were mailed as a courtesy to interested parties on May 12, 2003.

In addition, a Notice of Preparation of a Draft Negative Declaration was delivered to The Argus on April 16, 2003 to be published on April 21, 2003.

**Executive Summary:** To assist the City of Fremont in meeting its regional housing needs, the City's Housing Element calls for the development of an R-3, Multi-Family Zoning District to be applied on a case-by-case basis to land designated for medium, high, and very high density residential uses in the City's General Plan. The proposed zoning district is intended to increase flexibility for developers while insuring high quality projects within the City, in conformance with typical standards for medium and higher density developments.

Along with the creation of the R-3 Zoning District, minor modifications to the City's Zoning Code are proposed to insure compatibility. These modifications include, but are not limited to, revising the definitions established in the Zoning Code, revising parking standards, and incorporating new and modified special provisions for miscellaneous uses.

**Background and Previous Actions:** The City's Housing Element of the General Plan, which precipitated the development of the R-3 Zoning District, was adopted by the City Council on May 13, 2003.

**Project Description:** The proposed Zoning Text Amendment (ZTA) includes both the creation of a new, R-3 Multi-Family Residential Zoning District as well as the modification to/creation of various other elements of the Zoning Code, as highlighted below. Specific analyses of the proposed changes are presented later in this report.

Article 1. Definitions.

The definition for "efficiency apartment" has been expanded to also include "single room occupancy (SRO) units" as well as to comply with state law. The definition for "density" has been modified to allow higher density levels for these efficiency apartments and SROs. A definition for "live/work units" has been added; and "Residential range area" has been removed, as based on the recently approved modifications to the Housing Element and Land Use chapters of the General Plan it is no longer applicable.

Article 7.5. R-3 Multi-Family Residential District.

This Article creates the new multi-family zoning district.

Article 20. Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts.

Residential parking requirements have been modified to reflect the number of bedrooms within the proposed units. Provisions are also included to allow reductions of required parking.

Article 21.3. Special Provisions Applying to Miscellaneous Uses.

Provisions pertaining to the construction and conversion of condominium, community apartment, stock cooperative, and townhouse projects have been revised to reflect current building codes and City policies. Provisions applying to live/work units have been created.

**Project Analysis:**

- **General Plan Conformance:** The proposed R-3 zone would be applied to various parcels with General Plan land use designations of medium, high, and very high residential densities on a case-by-case basis. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Goal F 8: A diversity of residential, recreational, cultural, employment, and shopping opportunities.

The proposed R-3 zone includes provisions for both live/work style units and ground floor commercial in certain situations through a Conditional Use Permit (CUP). This will allow for a variety of uses integrated with each other while insuring appropriate transitions and buffers remain through the CUP process.

Goal H 2: High quality and well-designed new housing of all types throughout the City.

Goal H 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City consistent with the Hill Area Initiative of 2002.

Housing Element Implementation Program 17: Incentives "package" for affordable housing developments.

Housing Element Implementation Program 18: Modify parking requirements.

The R-3 zone is designed to facilitate the construction of residential units in varying sizes, locations, and styles. Revising the parking requirements for smaller units will encourage the development of a variety of unit types. Establishing design and development standards while still allowing modifications through the Site Plan and Architectural Approval process will insure that development remains of a high quality as well as appropriate to the development and neighborhood. Incorporating incentives for affordable units into the R-3 zone and parking requirements will help to encourage construction of the units.

Housing Element Implementation Program 11: New multi-family zoning and minimum density requirements.

The proposed R-3 zoning district is a result of this implementation program. The modifications to the density requirements were made with the adoption of the revised Housing and Land Use Elements, and are reflected in the proposed R-3 Zoning District.

- **Zoning Regulations:** The proposed ZTA, as shown on Exhibit “A”, includes various modifications to the Zoning Code in addition to the creation of the R-3 Multi-Family Residence Zoning District. The fundamental goal of the proposed ZTA is to facilitate and encourage the development of higher density, high quality for-sale and rental residential projects within the City by providing clear standards that also allow for flexibility where appropriate. These standards must also be suitable to the type of development likely to occur on the City’s remaining infill sites. Each of the proposed modifications are discussed below:

#### **Article 1. Definitions.**

##### **Sec. 8-2107.1. Apartment, efficiency and single room occupancy (SRO) units.**

The definitions for “efficiency apartments” and “single room occupancy (SRO) units” have been modified to reference applicable state laws that limit the maximum number of residents permitted in a unit (two) as well as the minimum unit size (150 square feet). Additionally, staff is limiting the maximum size of any unit so classified to 280 square feet. A provision that SRO units are counted as one-half a dwelling unit for density purposes will effectively allow development of SROs at twice the generally permitted densities. Staff believes this is appropriate given the smaller size of the units and the resulting smaller physical size of the development relative to the unit count.

##### **Sec. 8-2134.3. Density.**

The definition for “density” has been modified for compatibility with the above definition.

##### **Sec. 8-2161.5. Live/work units.**

A definition for live/work units has been added, which also references special provision applying to the use (discussed later).

##### **Sec. 8-2185.1. Residential range area.**

This definition has been removed, because it is no longer applicable under the recently approved Housing Element and Land Use chapter modifications.

#### **Article 7.5. R-3 Multi-Family Residential District.**

##### **Sec. 8-2750. Purpose.**

The purpose of the R-3 zone is to “promote and encourage well planned, suitable, and appropriate multiple-family developments within medium, high, and very high density land use classifications as shown on the general plan land use map while stabilizing and protecting the residential characteristics of the district.” This will be accomplished through the provisions discussed below.

##### **Sec. 8-2751.1. Permitted uses.**

Proposed permitted uses are similar to those in the R-G, Garden Apartment Zoning District. These uses primarily include multi-family dwellings, including efficiency apartments and SROs, and single-family and two-family uses on smaller lots.

##### **Sec. 8-2751.2. Accessory uses.**

Accessory uses are generally similar to those permitted in the R-G zone.

##### **Sec. 8-2751.3. Conditional uses: Planning commission as reviewing agency.**

Live/work units have been added as a conditional use, and special provisions applying to such uses have also been developed (discussed later). Additionally, ground floor commercial uses are permitted with a Conditional Use Permit (CUP) for projects on major streets and three stories tall or greater. Allowing these uses will help create more varied, vibrant neighborhoods. Planning Commission review and approval is required by the CUP in order to insure the appropriateness and compatibility of proposed developments.

The remainder of conditional uses is similar to those in the R-G zone.

Sec. 8-2751.4. Zoning administrator uses.

Zoning Administrator permitted uses are generally similar to those in the R-G zone.

Sec. 8-2752. Density standards.

Density is regulated by the underlying General Plan designation of the site, which is reflected by the R-3 Zoning District applied. For instance, for property with a General Plan designation of 11-15 units per acre, the corresponding zone would be R-3-15. The permitted density, again as regulated by the General Plan and reflected by the zoning, would be from the midpoint to the high point of the range, or 13-15 units per acre. Development below this midpoint would only be allowed for sites with environmental constraints or historical resources based on the provisions of the General Plan. Development above this density could take place through state law-mandated density bonuses. As also noted previously, efficiency apartments and SROs are only counted as one-half a dwelling unit each for density purposes.

Sec. 8-2753. Height regulations.

Building height is limited to 52 feet, which is generally equivalent to a four-story building. In order to insure compatibility with adjacent development, for those portions of parcels within fifty feet of any property with a general plan density designation of ten units per acre or less, building height is limited to 30 feet. The Planning Commission may increase the permitted height through Site Plan and Architectural Approval (SPAA) where appropriate, for which any applicant may apply and for which all projects of eleven units or greater will already be required to go through.

Sec. 8-2754. Lot and siting requirements.

Lot standards are generally reduced for R-3 zones relative to R-G zones, as most infill sites are comparatively smaller. Minimum lot size is 6,000 square feet, minimum lot width is 60 feet, and minimum street frontage is 35 feet. Minimum standards for townhouses are not specified, due to their unique development type and needs. Townhouse proposals will be reviewed on a case-by-case basis for conformance with the remainder of applicable codes and policies.

Siting requirements and standards are also generally reduced from R-G levels, and the Planning Commission may reduce the standards further through SPAA where appropriate. The overall intent of the standards is to encourage the construction of denser developments in a manner appropriate to the neighborhood and more pedestrian-oriented character of the projects. In keeping with the above intent, permitted lot coverage has been increased, and required common open space is now based on the number of units rather than a percentage of the lots. Common open space is defined to include spaces including rooftop gardens, indoor gyms and recreation facilities, pools, and other creative spaces.

Sec. 8-2755. Affordable housing incentives.

Incentives are proposed for those projects that qualify for density bonuses, including increases in lot coverage and reductions in required common open space and parking. The Planning Commission may authorize further incentives through the SPAA process as appropriate. This is in addition to allowing higher densities for efficiency apartments and SROs (discussed previously) and to parking reductions (discussed later).

Sec. 8-2756. Architecture and site design standards.

Based on Planning Commission direction, staff has integrated architectural and site design standards. These standards range from requiring a compatible, cohesive architectural style to minimizing large expanses of asphalt and providing special paving treatments where appropriate. Additionally, all projects will be reviewed for conformance under the provisions of SPAA, whether by staff for smaller projects (10 units or less) or by the Planning Commission for larger projects (11 units or greater).

These standards are intended to insure high quality developments within the City, while still allowing developers flexibility within the lot and siting requirements identified. By allowing the flexibility previously identified, along with the broader standards specified within this section, developers will be able to

propose unique and varied projects appropriate to the identified site while the City can insure high quality, well designed and appropriate projects through the SPAA process and through conformance with the additional architecture and site design standards. Staff is also requesting that the Planning Commission recommend the development of formal multi-family design guidelines for future review.

Sec. 8-2757. Other required conditions.

Rooming and boarding houses, defined as those units having rooms for rent with common access to kitchen and sanitary facilities, are not required to meet maximum density standards. Due to their unique development type, it is possible to allow higher numbers of units without increasing potential impacts.

**Article 20. Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts.**

Sec. 8-22003. Required parking spaces by type of use.

As recommended by Housing Element Implementation Program 18, staff has reviewed overall City parking standards. Staff has reviewed the requirements for other similar cities, as well as information from developers, non-profit and affordable housing advocates, and independent resources such as the American Planning Association (APA) and the Institute of Transportation Engineers (ITE). Based on these reviews, staff is recommending modifying parking requirements for both single-family and multi-family uses to be based on bedroom count rather than unit type, in order to tie parking requirements to anticipated levels of use. This will result in the following changes:

For single-family residential uses of four bedrooms or less, two covered spaces would be required per unit plus one uncovered space for guests, which may be located on a driveway apron. For single-family uses of five bedrooms or more, three covered spaces are required per unit plus two uncovered for guests. This is a higher standard for the larger units than is currently required.

Multi-family (including townhouse) parking requirements have been reduced for smaller units only, i.e. studio and one-bedroom units would require one covered space for the unit plus one-half uncovered space for guests. Two-bedroom and larger units would retain the current requirement of one and one-half parking space per unit plus one-half parking space for guests. For multi-family developments, tandem parking is proposed to be allowed to satisfy parking requirements for up to 50% of the units, except that it may not be shared between units or for guest parking. For reference, Fremont's current parking requirements for multi-family uses (two spaces per unit) is within the highest third of all cities within the Bay Area; consistent with cities including Santa Rosa, Union City, and unincorporated Alameda and Sonoma Counties. The new parking requirement (maintaining the two space per unit ratio for two-bedroom units and larger and requiring one and one-half spaces for studios and one-bedrooms) would place Fremont at approximately the Bay Area median; inline with Walnut Creek, Sunnyvale, and San Jose.

Findings have also been included to allow the reduction of required parking by the Planning Commission for multi-family projects. The findings are structured so that parking requirements could only be reduced for projects close to alternative transportation infrastructure and service, close to urban centers, and/or for projects with specific tenancy types that are likely to have a lower parking need.

**Article 21. Sign Regulations.**

Sec. 8-22104. Residential Districts.

This section has been modified to allow the placement of signs within live/work developments, subject to both conditional use permit and planned sign program review and approval. It has also been modified for consistency to allow identification signs within the R-3 zone as well as the R-G zone.

**Article 21.3. Special Provisions Applying to Miscellaneous Uses.**

Sec. 8-22135. Condominium, community apartment, stock cooperative and townhouse conversion projects.

This section has been modified to only apply to conversion projects, as new projects will be satisfactorily reviewed for conformance to applicable codes and policies through the Site Plan and Architectural Approval and building permit review process. Additionally, those provisions not consistent with current building codes have been removed.

Sec. 8-22135.05. Condominium, community apartment, stock cooperative and townhouse projects; homeowner's association requirements.

In order to insure that larger projects continue to provide professional management services for the residents of both new construction projects and conversions, a stand-alone requirement for professional HOA management service for projects of 20 units or greater is incorporated.

Sec. 8-22147.7. Live/work units.

Performance standards and special provisions have been included to insure that live/work developments remain compatible with their surroundings. Limitations on use, visits, employees, materials, etc. are provided. The provisions for the live/work units were generally based on those incorporated into the Benton/Civic Center project and the Old School project. Live/work units will require a CUP as discussed earlier, allowing review of the project for compatibility with the individual, unique areas where they are locating.

- **Landscaping and Circulation/Access Policies:** Throughout the development of the R-3 zone, staff has heard from numerous private and non-profit developers that landscaping and engineering standards and requirements can discourage certain infill developments, particularly on smaller lots, due to required driveway widths and setback requirements. Staff suggests that the Planning Commission include a recommendation to the City Council that directs staff to review and prepare revisions to overall landscaping and engineering codes and policies as appropriate for later review.

**Environmental Analysis:** A finding is proposed that this project would not have a significant effect on the environment. Accordingly, a draft Negative Declaration has been prepared for consideration by the Planning Commission.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

**Response from Agencies and Organizations:** Staff held community meetings regarding the development of the R-3 Zoning District on November 21, 2002, December 12, 2002, April 16, 2003, and at a Planning Commission Study Session on April 24, 2003. Throughout these meetings staff received various comments, suggestions, and responses regarding the proposed R-3 zone, which have resulted in the final version of the ZTA presented for Planning Commission recommendation to the City Council.

**Enclosures:** Exhibit "A" Zoning Text Amendment  
Initial Study and Draft Negative Declaration  
Existing R-G Zoning District (Informational)

**Exhibits:** Exhibit "A" Zoning Text Amendment

**Recommended Actions:**

1. Hold public hearing.

2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve draft Negative Declaration with accompanying Certificate of Fee Exemption and find it reflects the independent judgement of the City of Fremont.
4. Find PLN2003-00225 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters, as enumerated within the staff report.
5. Find the public necessity, convenience and general welfare require the adoption of Zoning Text Amendment PLN2003-00225 because the development of high quality, appropriate residential projects at medium, high, and very high General Plan density levels, in order to meet the needs identified by the City's Housing Element, is not feasible without the creation of an R-3 Zoning District and the modifications to associated portions of the Fremont Municipal Code, as shown in Exhibit "A".
6. Recommend PLN2003-00225 to the City Council in conformance with Exhibit "A" (Zoning Text Amendment).
7. Recommend that the City Council direct staff to prepare multi-family design guidelines for review and approval.
8. Recommend that the City Council direct staff to prepare revisions to the City's Development Policies and Landscape Requirements for review and approval.

**Exhibit "A"**  
**Zoning Text Amendment – PLN2003-00225**  
**R-3 Zoning District ZTA**  
**Citywide**

*[Language proposed to be added is underlined; language proposed to be removed is ~~struck~~.]*

**Section 1:**

Article 1 (Definitions) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is added to and amended to read as follows:

**ARTICLE 1. DEFINITIONS**

**Sec. 8-2107.1. Apartment, efficiency and single room occupancy (SRO) units.**

"Efficiency apartment" or "single room occupancy (SRO) unit" shall mean a dwelling unit in a multifamily building consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities, and complying with the provisions of the California Health and Safety Code, Section 17958.1. Such units shall be limited to a maximum of two hundred eighty square feet (gross) of floor space per unit; any unit larger than two hundred eighty square feet shall be defined as a dwelling unit. For purposes of general plan density calculations and density bonus allowances, each efficiency apartment or single room occupancy unit shall count as one-half a dwelling unit.

**Sec. 8-2134.3. Density.**

"Density" shall mean the total number of dwelling units within a specific area, divided by the gross acreage of the project site. For purposes of general plan density calculations and density bonus allowances, efficiency apartments or single room occupancy units shall count as one-half a dwelling unit.

**Sec. 8-2161.5. Live/work units.**

"Live/work units" shall mean those units consisting of both commercial and residential components within a single unit, which are used as the primary dwellings by the occupant(s). Live/work units shall be subject to the provisions specified in Article 21.3.

**~~Sec. 8-2185.1. Residential range area.~~**

~~"Residential range area" shall mean a range wherein the average number of dwelling units per acre may vary within the limits of a numerical range as specified in the general plan. All residential range areas shall include three steps, with the first step being the low end of the range, and the second and third steps being equal increments thereto. The third step shall be considered the high (i.e., top) end of the range.~~

**Section 2:**

Article 7.5 (R-3 Multi-Family Residential District) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is added to and amended to read as follows:

**ARTICLE 7.5. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

§ 8-2750. Purpose.

§ 8-2751.1. Permitted uses.



- § 8-2751.2. Accessory uses.
- § 8-2751.3. Conditional uses: Planning commission as reviewing agency.
- § 8-2751.4. Zoning administrator uses.
- § 8-2752. Density standards.
- § 8-2753. Height regulations.
- § 8-2754. Lot and siting requirements.
- § 8-2755. Affordable housing incentives.
- § 8-2756. Architecture and site design standards.
- § 8-2757. Other required conditions.

#### **Sec. 8-2750. Purpose.**

To promote and encourage well planned, suitable, and appropriate multiple-family developments within medium, high, and very high density land use classifications as shown on the general plan land use map, while stabilizing and protecting the residential characteristics of the district. To promote, insofar as compatible with the intensity of existing and future land use, a suitable environment for multi-family living to provide for the diverse needs of the residents of the city.

#### **Sec. 8-2751.1. Permitted uses.**

The following are the principal permitted uses in an R-3 district:

- (a) Single-family and two-family dwellings on existing lots of less than six thousand square feet. Requirements for said lots shall be based on R-1-6 provisions, except that single-family and two-family dwellings shall be subject to site plan and architectural review and approval by the development organization;
- (b) Multiple dwellings, including efficiency apartments and single room occupancy units<sup>1</sup>, consisting of ten dwelling units or less, subject to site plan and architectural review and approval by the development organization;
- (c) Multiple dwellings, including efficiency apartments and single room occupancy units<sup>1</sup>, consisting of eleven dwelling units or greater, subject to site plan and architectural review and approval by the planning commission;
- (d) Special residential care facilities;<sup>1</sup> and
- (e) Any other use that the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

#### **Sec. 8-2751.2. Accessory uses.**

The following are the accessory uses permitted in an R-3 district:

- (a) Rooming and boarding of not more than two persons;
- (b) Signs complying with the applicable regulations set forth in Article 21 of this chapter;
- (c) Private garages and parking areas;
- (d) Secondary dwellings units<sup>3</sup> on single-family and two-family lots of less than six thousand square feet;
- (e) Small family day care homes; and
- (f) Other accessory uses and buildings customarily appurtenant to a permitted use.

**Sec. 8-2751.3. Conditional uses: Planning commission as reviewing agency.**

The following uses may be permitted with a conditional use permit, provided all other requirements of this chapter are met. The procedure for a conditional use permit shall be as set forth in Article 25 of this chapter:

- (a) Children's nursery schools;
- (b) Licensed nursing homes and convalescent hospitals;
- (c) Meal service facility,<sup>1</sup> accessory to a public or quasi-public use, subject to the regulations set forth in Article 21.3 of this chapter;
- (d) Public and quasi-public buildings and uses of recreational, educational, religious, cultural or public service type; but not including corporation yards, storage or repair yards, and warehouses, except for city-owned and -operated facilities;
- (e) Live/work units;<sup>1, 3</sup>
- (f) Uses permitted or conditionally permitted in neighborhood commercial and office commercial zoning districts as long as the use is located within the first story of any multi-family building three stories tall or greater and located on a parkway, arterial, or collector street;
- (g) Rooming houses and boarding houses for any number of guests.
- (h) Shelter for the homeless, permanent<sup>1,3</sup> or temporary,<sup>1,3</sup> accessory to a public or quasi-public use, subject to the regulations set forth in Article 21.3 of this chapter;
- (i) Social halls, lodges, fraternal organizations and clubs, and community clubs, except those operated for a profit;
- (j) Elementary and secondary schools; and
- (k) Any other use which the Planning Commission finds is similar in nature, function or operation to conditional uses permitted within the district. The request for such a determination shall be submitted as a "finding application" to the planning commission pursuant to the requirements set forth in Article 25.2 of this chapter.

**Sec. 8-2751.4. Zoning administrator uses.**

The following uses may be permitted with a zoning administrator permit, provided all other requirements of this chapter are met. The procedure for a zoning administrator permit shall be as set forth in Article 25.1 of this chapter:

- (a) Home occupations;<sup>1,3</sup>
- (b) Large family day care homes;<sup>1,3</sup>
- (c) Any other use which the zoning administrator finds is similar in nature, function and operation to zoning administrator uses permitted within the district. The request for such a determination shall be submitted as a "finding application" to the zoning administrator pursuant to the requirements set forth in Article 25.2 of this chapter.

(d) Additions to existing single-family and two-family dwellings on lots six thousand square feet or greater may be allowed subject to a zoning administrator permit, when the zoning administrator makes both of the following findings:

- (1) Expansion of a single-family or two-family dwelling on the site will not be detrimental to the development of property adjacent to the proposed addition; and
- (2) The city's interest in promoting an increase in the number of dwelling units in the district is outweighed in this case by the city's interest in promoting the improvement or preservation of the existing dwelling(s).

#### **Sec. 8-2752. Density standards.**

Residential density requirements for multi-family developments in the R-3 zone shall be based on the following table. Proposed densities may fall within the identified permitted density for each zone:

<u>Zone</u>	<u>Permitted Density (units/gross acre)</u>
<u>R-3-10</u>	<u>8.3 to 10</u>
<u>R-3-15</u>	<u>13 to 15</u>
<u>R-3-18</u>	<u>16.5 to 18</u>
<u>R-3-23</u>	<u>20.5 to 23</u>
<u>R-3-27</u>	<u>25 to 27</u>
<u>R-3-35</u>	<u>31 to 35</u>
<u>R-3-50</u>	<u>42.5 to 50</u>
<u>R-3-70</u>	<u>60 to 70</u>

Fractional requirements of one-half or greater shall be rounded up, fractional requirements of less than one-half shall be rounded down. For purposes of general plan density calculations and density bonus allowances, efficiency apartments or single room occupancy units<sup>1</sup> shall count as one half a dwelling unit.

Densities below the permitted density shall only be allowed under special circumstances, detailed in the general plan land use and housing chapters, and shall be subject to site plan and architectural approval by the planning commission. Density bonuses shall be allowed subject to the provisions of this code, the general plan, and state law.

#### **Sec. 8-2753. Height regulations.**

Unless otherwise specified through site plan and architectural review and approval by the planning commission, fifty-two feet maximum. For those areas of parcels within fifty feet of any property with a general plan density designation of ten units per acre or less, thirty feet maximum.

#### **Sec. 8-2754. Lot and siting requirements.**

- (a) Minimum lot size. Six thousand square feet, except for townhouses.<sup>1</sup>
- (b) Minimum lot width. Sixty feet, except for townhouses.<sup>1</sup>
- (c) Minimum street frontage. Thirty-five feet, except for townhouses.<sup>1</sup>
- (d) Separation, setback, and yard requirements. Unless otherwise specified through site plan and architectural review and approval by the planning commission:

- (1) Front and street side setbacks: Twenty feet, which may be reduced through development organization review if it is found that the reduction fosters a desirable pedestrian-oriented environment or neighborhood setting for the area.
  - (2) Interior side and rear setbacks: Ten feet. However, wherever adjacent to property with a general plan density designation of ten units per acre or less: Twenty feet (twenty-foot setback requirement is not applicable to garages, carports, sheds, and similar accessory structures).
  - (3) Between windows of separate units located on walls angled ninety degrees or less from each other: Fifteen feet.
  - (4) Between a building and an at-grade, exterior paved area used for vehicular parking or circulation: 10 feet (measured from face of wall to face of curb), except where direct access is provided to garages.
  - (5) Between parking or circulation areas and a public street right-of-way or private street easement: Fifteen feet.
- (e) Lot coverages. Unless otherwise specified through site plan and architectural review and approval by the planning commission: Fifty percent maximum building coverage, which may be increased through development organization review to seventy percent building coverage when the reduction fosters a desirable pedestrian-oriented environment or neighborhood setting for the area.
- (f) Common open space areas. Unless otherwise specified through site plan and architectural review and approval by the planning commission, common open space shall be provided as follows:
- (1) Common open space shall be provided at the rate of five hundred square feet for multi-family developments up to five units, plus fifty square feet for each additional unit. Common open space area shall have a minimum dimension of fifteen feet;
  - (2) Common open space shall not be located within any required setback;
  - (3) The approving authority shall determine the necessity and/or appropriateness for the inclusion of facilities and/or amenities within the common open space, including but not limited to swings, slides, climbing apparatus, pools, barbeques, tables, benches, and sports/games areas for use by residents.
- For the purposes of the above requirements, common open space may include, but is not limited to, rooftop gardens, indoor recreation facilities, landscaped spaces designed for active use, and other creative spaces, and shall be accessible to all units within the development and provided with amenities or facilities likely to be utilized by anticipated residents.
- (g) Private open space areas. Unless otherwise specified through site plan and architectural review and approval by the planning commission, each dwelling unit shall have at least one private open space area contiguous to the individual dwelling unit that allows the occupants of the unit the private use of an outdoor space as follows:
- (1) Balconies (above ground level): Minimum sixty square feet, the least interior dimension of which is six feet; or
  - (2) Patios (at ground level): Minimum one hundred square feet, the least interior dimension of which is ten feet.

**Sec. 8-2755. Affordable housing incentives.**

For any project which qualifies for a density bonus, and for which has been subject to binding agreement with the city or other public agency that it will remain affordable subject to the terms of Article 21.7, the following incentives shall be granted in addition to the density bonus:

- (a) Unless further increased through site plan and architectural review and approval by the planning commission, maximum lot coverage shall be seventy percent;
- (b) Unless further reduced through site plan and architectural review and approval by the planning commission, required common open space area shall be five hundred square feet for multi-family developments up to five units, plus twenty-five square feet for each affordable unit;
- (c) Unless further reduced by the planning commission subject to the provisions of 8-22003(a)(2), parking requirements for those affordable units within the project shall be reduced by ten percent.

**Sec. 8-2756. Architecture and site design standards.**

- (a) The architectural design of multiple-family dwellings shall be developed with consideration given to the relationship of any existing and future adjacent development in terms of building heights, mass, texture, and style. Structures shall be designed with a cohesive architectural style that is relevant to and compatible with surrounding development and the neighborhood context.
- (b) Building facades shall be fully articulated on all sides with high levels of architectural detailing. Varied, durable, and appropriate materials shall be utilized with consideration given to massing and proportion.
- (c) Facades should not consist primarily of garage doors without variation in setbacks, materials, massing, the incorporation of features such as trees, etc.
- (d) Building facades and entrances shall be oriented to public sidewalks and streets. Building entrances shall be emphasized through project architecture.
- (e) Fences and walls shall be designed so as to be appropriate to and compatible with project architecture. Fences or walls greater than three feet tall should not front public or private streets. Chain link fencing is not permitted.
- (f) Developments shall emphasize pedestrian and bicycle connection locations, designs, and details, both within the project site and within the neighborhood. Facilities for bicycles and other alternate forms of transportation should be provided.
- (g) Parking areas should be located to the side, rear, or under the building wherever possible. Parking should not be located between a building and any public sidewalk or street.
- (h) Developments shall be designed so as to minimize the number of driveways from public and private streets wherever possible.
- (i) Expanses of asphalt or concrete paving should be relieved with landscaping features or special accent paving treatments, including but not limited to modular pavers or colored, patterned concrete.
- (j) Townhouse and townhouse-style developments should provide at least one tree at the public or private street elevation for each unit.
- (k) For townhouse and townhouse style developments, adequate exterior space shall be provided for garbage set-out and pickup such that garages and driveways will not be blocked. Storage space shall also be provided within garages (clear of required parking areas) or other designated areas for trash and recycling materials.

- (l) All required yard areas shall be landscaped, and all landscaped areas shall be kept maintained.
- (m) Common open space should be contiguous to the maximum extent possible. Common open space should be designed for the needs of the anticipated occupants and should be provided with appropriate amenities to address these needs.
- (n) Each dwelling unit shall have an enclosed storage closet located within the garage, patio, or deck area, unless the approving authority determines an alternative space is acceptable. Storage closets should have a minimum of one hundred cubic feet of storage space.
- (o) Other than public or private street lights, exterior lighting shall be diffused or concealed in order to prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or streets. Lighting, including street lights, shall be decorative in style and appropriate to the project architecture.
- (p) Electrical, telephone, transformer, and other utilities should be placed underground. Any aboveground utilities, including backflow preventers, shall be screened by landscaping and/or architectural elements and located so as to minimize their visibility from any public or private right-of-way.

**Sec. 8-2757. Other required conditions.**

- (a) Site plan and architectural approval is required for all project requiring conditional use permits and zoning administrator permits, and single-family, two-family, and multi-family residential dwellings, except home occupations and large-family daycare in existing structures.
- (b) Rooming houses and boarding houses<sup>1</sup> for any number of guests shall not be limited to maximum density standards, but rather the individual project shall be reviewed for compatibility with any existing or future adjacent development in terms of building height and mass as part of the conditional use permit process.
- (c) Setbacks on private streets shall be measured from the right-of-way line of the street. However, unless otherwise specified through site plan and architectural review and approval by the planning commission, no less than ten feet should be provided (measured from face of wall to face of curb) except where direct access is provided to garages, to allow for the incorporation of a sidewalk and planter strip.

*[Notes Applicable to this Article]*

<sup>1</sup>Term is defined in Article 1.

<sup>2</sup>Term is elaborated on in Standard Industrial Classification Manual.1

<sup>3</sup>The special regulations of Article 21.3 apply to this use.

**Section 3:**

Article 20 (Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is added to and amended to read as follows:

**ARTICLE 20. PARKING, LOADING AREAS AND REGULATIONS PERTAINING TO VEHICLE STORAGE IN VARIOUS ZONING DISTRICTS**

**Sec. 8-22003. Required parking spaces by type of use.**

The number of off-street parking spaces required for each use shall be as stipulated in the following section. In computing the number of off-street parking spaces required, a fractional space of one-half space or more shall be counted as one space.

(a) Residential uses.

- (1) Dwellings, single-family, duplexes: ~~2 covered for each family or dwelling unit.~~
  - a. ~~Dwellings, single-family (excluding condominiums), with four or fewer bedrooms where parking and exiting movements occur directly from and into private vehicle accessways--2 covered for resident parking, plus 0.5 1 uncovered for guest parking (guest parking may be located as a tandem space on a driveway apron).~~
  - b. ~~Dwellings, single-family (excluding condominiums), with five or more bedrooms--3 covered plus 2 uncovered for guest parking (guest parking may be located as tandem spaces on a driveway apron).~~
- (2) ~~Dwellings, multiple apartments (including apartments, condominiums, townhouses, live/work<sup>3</sup> units, rooming and boarding houses<sup>1</sup>, and single room occupancy (SRO) and efficiency<sup>1</sup> units):~~
  - a. ~~Senior citizen dwellings housing developments<sup>1</sup> and rooming and boarding houses<sup>1</sup>--0.5 covered spaces per unit for residents plus 0.5 uncovered spaces per unit designated for guest parking only.~~
  - b. ~~All apartments, including condominiums--2 (1 covered, plus 0.5 uncovered for residents, plus 0.5 uncovered space designated for guest parking only).~~
  - b. ~~Studio and one-bedroom units--1 covered space per unit for residents plus 0.5 uncovered spaces per unit (1.5 spaces per live/work<sup>3</sup> unit) designated for guest parking only.~~
  - c. ~~Two bedroom units and larger--1 covered space per unit for residents plus 0.5 uncovered spaces per unit for residents plus 0.5 uncovered spaces per unit (1.5 spaces per live/work<sup>3</sup> unit) designated for guest parking only.~~
  - d. ~~Tandem parking shall be allowed to satisfy the parking requirements of this subsection for up to fifty percent of the units, except that tandem parking shall not be used for guest parking and tandem parking shall not be shared between more than one unit.~~

The planning commission may reduce the parking requirements within section (a)(2) through site plan and architectural approval if, based on evidence provided by the project applicant, it makes one of the following findings:

- i. Due to the use's proximity to alternative transportation infrastructure and service, including but not limited to BART, Amtrak, and other passenger rail services, bus service, or similar, the use is likely to require a lower level of parking than is required by similar projects not proximate to alternative transportation because residents will have viable transportation alternatives available.
- ii. Due to the use's proximity to amenities, and/or due to the desire to create a more pedestrian oriented environment in and around the project site, a reduction in required parking will further the goal of enhancing and strengthening the neighborhood, and, furthermore, that residents will have access to amenities

such as shopping, entertainment, and employment without necessitating the use of automobiles.

- iii. Due to the anticipated tenancy, including but not limited to affordable units, senior citizen units, single room occupancy (SRO) and efficiency<sup>1</sup> units, and special needs housing, and based on quantifiable evidence, the use is not likely to require the same levels of parking as standard residential development. This finding shall only be used for projects that have entered into a binding agreement with the city or other public agency guaranteeing the project will serve the identified tenancy type.

- (3) Dwellings, secondary--1 space.
- (4) Mobile home--2 per mobile home space.
- (5) Mobile home park community building--1 per 10 mobile home spaces.
- (6) Mobile home park visitor parking--1 per 5 mobile home spaces located no further than 400 feet from the mobile home spaces to be served.
- ~~(7) Rooming houses and lodging houses--1 for each guest room.~~

#### **Section 4:**

Article 21 (Sign Regulations) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is added to and amended to read as follows:

#### **ARTICLE 21. SIGN REGULATIONS**

##### **Sec. 8-22104. Residential Districts.**

- (A) Lot Identification.
  - (1) Residential dwellings:
    - (a) Permanent sign: One sign containing appurtenant sign copy may be allowed for each developed residential lot to identify the premises or occupants thereof, except that in an R-G or R-3 district any through or corner lot developed with a multiple dwelling may be allowed an additional sign for each street frontage of such lot. Each such sign may be allowed a sign area up to one square foot per dwelling unit; provided, that in the case of a multiple dwelling no single such sign shall exceed eighteen square feet in sign area, and, provided further, that no sign shall be allowed for any home occupation. Such signs may be integral with a building or in the case of a multiple dwelling may be affixed to the ground in the front yard of the lot provided that the top of the sign does not exceed a height of six feet from the finished grade of the lot. Illumination, if any, shall be maintained by diffused or indirect light that is stationary and constant in intensity and color at all times (non-flashing). Sign copy advertising lease or rental of a dwelling unit may be included on such permanent sign.

Permanent signs shall also be allowed in an R-3 district for live/work units<sup>1, 3</sup> when permitted through a conditional use permit and subject to a planned sign program and all other provisions of this Article.

#### **Section 5:**



Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code is added to and amended to read as follows:

### **ARTICLE 21.3. SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS USES**

#### **Sec. 8-22135. Condominium, community apartment, stock cooperative and townhouse conversion projects.**

- (a) *"Project" defined.* As used in this section, a "project" consists of ~~either: the conversion of dwelling units on a single lot to a condominium, community apartment, townhouse or stock cooperative form of ownership.~~
- ~~(1) The construction of condominiums, community apartments, townhouses or buildings to be held by stock cooperatives; or~~
- ~~(2) The conversion of dwelling units on a single lot to the condominium, community apartment, townhouse or stock cooperative form of ownership.~~
- (b) *Findings; purpose.*
- (1) There is insufficient assurance of guaranteed effective and continuous centralized management of each project to which this section applies. There is insufficient assurance of adequate construction performance standards relating to multiple-unit structures, concerning such matters as noise transmission between units. Such matters, if not given sufficient consideration, may create and perpetuate conditions having an especially deleterious effect upon the occupants of units of such projects. These pernicious effects may be especially magnified because the occupants, as owners of the units, may be less freely able to transfer ownership to others. This is particularly true when undesirable conditions exist. It is hereby found that each such project presents special land use problems ~~involving potential slum and blight conditions which~~ that would be detrimental to the public health, safety, welfare and economic prosperity of the community.
- (2) It is the purpose of the provisions of this section to attempt to assure that housing is provided to accommodate the needs of all people desiring to reside in the city. This section is enacted:
- a. To ensure that projects meet desirable physical and visual standards;
- b. To ensure the performance of a viable maintenance responsibility for the structures, common spaces and facilities, and to promote residential stability and diversity by encouraging neighborhood maintenance;
- c. To ensure that conversion projects are consistent with the housing element of the general plan and with state law;
- d. To provide ~~apartment~~ tenants with adequate data relating to displacement and relocation as a result of conversion;
- e. To ensure that purchasers of dwelling units or rights to exclusive occupancy thereof in conversion projects are informed as to the physical conditions of the structure and on-site facilities.
- (c) *Conditional use permit required.* No project shall be established, undertaken, operated, set up, enlarged or maintained unless and until a conditional use permit therefore shall have been obtained. No such permit shall be issued unless the applicable zoning district regulations

otherwise allow multiple occupancy for the uses requested, upon a single parcel of land, and unless the project is in conformance with the provisions of subsection (d) hereof.

(d) *Project applications.*

~~(1) Conversion projects shall be accomplished only through a public hearing process. The applicant shall submit a list of names and addresses of all tenants within the project area and of property owners within three hundred feet of the property which is the subject of the project, along with stamped and addressed envelopes.~~

~~(2)~~ Each project application shall include the following, prepared by a California-licensed land surveyor or architect :

- a. Site plans showing the property boundary, existing topography of the site, and the location of all existing easements, structures, parking, trash enclosures, and other improvements.
- b. A list showing the percentages of open space, building coverage, parking, and circulation areas and number of parking spaces, covered and open, reserved and guest.
- c. Scaled development plans showing typical floor plans and building elevations.
- d. A full disclosure inspection document ~~prepared by a California-licensed structural civil engineer or architect. Such document shall evaluate~~ the physical conditions of the development; such as foundation, wall section and sound insulation, including any deficiencies in electrical, plumbing and structure, pest damages, smoke detectors, mechanical equipment, and isolation and security regulations standards, together with recommendations relating thereto in order to assure their continued viability for a minimum of five years.
- e. A statement of repairs, improvements and architectural changes the applicant plans to make before conveyance of the units.
- ~~f. A soils report, if not previously prepared, in compliance with the provisions of the Subdivision Map Act.~~

~~(3)~~ All projects shall conform to the following requirements:

- a. The provisions of Article 20 of this chapter relating to off-street parking and loading; and with the development policy for private vehicle access ways in effect at the time of approval of the project.
- b. A homeowners' association shall be established. It shall assume continual maintenance responsibility for all common areas, landscaping, plumbing, fire protection water system, wiring, utility charges and exterior of the buildings. ~~Where the project consists of twenty or more dwelling units, the association shall be required to contract with a professional management firm to handle management operations and collection procedures. A professional management firm shall mean a business entity which is accredited as a property management organization or an individual who is certified as a property manager, indicating competency in managing a condominium or other project within the scope of this section.~~
- c. All electrical and mechanical equipment shall conform to the applicable city codes at the time of approval of the project.

- d. The interior and exterior sound transmission standards shall be those in effect at the time of project approval, pursuant to the Housing Code (Title 25, California Administrative Code) and Chapter 1, Article 5 of Title VIII of this Code (subdivision ordinance).
- e. Smoke detectors in individual units and in common hallways shall be installed, subject to approval of the ~~fire department~~ city's building and safety division.
- f. Provision for a one-year warranty on all appliances in each unit, and on all electrical, heating, air conditioning, plumbing, ventilation equipment and elevators.
- g. Provisions for one hundred cubic feet of storage space for each unit, excluding dwelling unit closet space, subject to approval of the development organization. Exterior storage space shall be waterproof and lockable.
- h. Central refuse and recyclable collection facilities shall be provided in accordance with section 8-22155. The maintenance of such facilities and the payment of the refuse and recyclable collection fees shall be the responsibility of the homeowner's association.
- ~~i. Adaptable units for the physically disabled shall be provided. For purposes of this requirement, the development policy for adaptable housing in condominium projects shall apply. This requirement shall apply to projects for which use permit applications were received after September 11, 1985.~~

~~(4)~~ In addition, all conversion projects shall conform to the following requirements:

- ~~bj.~~ ~~Open space and recreational areas shall conform to the R-G district regulations in effect at the time of approval of the project. All exterior common areas shall be refurbished to a condition acceptable to the public works director.~~
- ej. Necessary repairs of roofs and exteriors of the buildings shall be made to ensure a minimum maintenance-free period of five years from the date of project approval.
- ~~dk.~~ Each dwelling unit shall have ~~its own~~ separate gas and electric metering. The commission may waive this requirement if it determines that the benefit of such separate metering is insignificant compared to the total merit of a project, and if the ~~chief~~ building official has found such separate metering to be infeasible.
- el. All permanent mechanical equipment, including domestic appliances, which the ~~chief~~ building official determines to be a source of vibration or noise, shall be shock-mounted and isolated from the floor and ceiling to minimize the transmission of vibration and noise in order to meet the standards set forth in the Housing Code (Title 25, California Administrative Code).
- ~~fm.~~ All buildings in the project shall be modified to comply with the building security regulations set forth in the Chapter 2 of Title VII this Code ~~Chapter 41 of the Uniform Building Code~~.
- gn. The applicant shall provide relocation information consisting of data indicating the current and continually available, competitively priced, decent, safe and sanitary dwelling units within the tri-cities area (Fremont, Newark and Union City). The number of available dwelling units shall be sufficient to assure accommodation of

such displaced tenants. This requirement shall not be applicable if the director of planning determines, on the basis of a representative sampling of apartment buildings conducted by the city, that the city-wide apartment vacancy rate exceeds five percent. Any such representative sampling used shall not be more than ninety days old.

ho. The applicant shall give the tenants written notice of intention to convert to the condominium, community apartment, stock cooperative, or townhouse form of ownership and shall offer exclusive rights to purchase their respective units or appropriate property interests as required pursuant to Government Code Section 66427.1. The notice requirement of said section shall be applicable to stock cooperative and townhouse conversions, and the contractual right to purchase provisions thereof shall be construed to apply to purchase of the appropriate property interests in stock cooperatives and townhouses for purposes of this section. The applicant shall be required to comply with State Law as applicable at the time of project approval.

(53) No conversion project shall be approved by the commission if the director of planning determines, on the basis of a representative sampling of apartment buildings conducted by the city, that the city-wide apartment vacancy rate is less than three percent. The apartment vacancy rate in effect at the time a complete application of a project is accepted for filing, shall be applicable in the commission's consideration of the project. Any such representative sampling shall not be more than ninety days old.

~~(e) Information and documents to be furnished to potential or actual purchasers.~~ The applicant for a project shall provide the following information and documents to all potential and actual purchasers:

- ~~(1) A summary of the proposed range of sales prices for each unit, including any favorable terms to the present tenants;~~
- ~~(2) A list of all services and facilities proposed to be furnished to individual owners, and a statement of all fees and conditions applicable to the use of such services and facilities;~~
- ~~(3) A statement of the estimated annual operating and maintenance costs for all common facilities reviewed or prepared by a professional management firm familiar with operating and maintenance costs of similar property in the area, together with a recommendation of said management firm;~~
- ~~(4) A termite inspection report;~~
- ~~(5) Any proposed deed restrictions.~~

~~(f) Notice to tenants.~~ The owner of a project approved as a condominium project shall give all new tenants written notice of approval to convert to the condominium form of ownership.

~~(g) Applicability of zoning district regulations.~~ Except as provided in this section, any use of a structure, lot or parcel, otherwise allowed pursuant to the regulations applicable in the particular zoning district involved, shall not be treated differently because the ownership thereof is divided or established by the sale or creation or use of community apartments, condominiums, stock cooperatives or townhouses, rather than by lease of apartments, offices or stores.

**Sec. 8-22135.05. Condominium, community apartment, stock cooperative and townhouse projects; homeowner's association requirements.**

For any project consisting of the construction or conversion of condominiums, community apartments, townhouses, or buildings to be held by stock cooperatives, a homeowners association shall be formed subject to the review and approval of the City. For any project consisting of twenty or more dwelling units, the association shall be required to contract with a professional management firm to handle management operations and collection procedures. A professional management firm shall mean a business entity that is accredited as a property management organization or an individual who is certified as a property manager, indicating competency in managing a condominium or other project within the scope of this section.

**Sec. 8-22147.7. Live/work units.**

Live/work units consisting of both commercial and residential components within a single unit, which are used as the primary dwellings by the occupant(s), shall be subject to the following special provisions:

(a) All commercial uses in live/work developments shall be subject to the following performance criteria:

- (1) Client/customer visits by appointment only;
- (2) Client/customer hours shall be limited to 8 a.m. to 8 p.m.;
- (3) A maximum of four clients/customers at one time and twenty clients/customers per day, except that each calendar year up to three special events (e.g. crafts fairs, open studios), related to the business or businesses for which valid business licenses are on file with the City of Fremont may be held. Notice of such special events shall be given in writing to the zoning administrator at least two weeks prior to the proposed event;
- (4) A maximum of two non-resident employees on the premises at any time;
- (5) A maximum of four persons may be allowed to participate in the business: a maximum of two persons living in the unit and two outside employees;
- (6) Signs shall be limited to those approved as part of a planned sign program for the project;
- (7) Businesses shall not involve the use of hazardous materials or produce medical or hazardous waste, except that de minimus amounts of essential hazardous materials will be subject to the review and approval of the Fremont Fire Department. Specific conditions, as well as permitting, disclosure, and periodic inspection requirements will be a part of any approval granted. Classes of materials that are prohibited include: Class 1-A flammable liquids, pyrophoric, unstable, reactive, toxic, highly toxic, or explosive materials, including fireworks and small arms ammunition; flammable, combustible, corrosive or oxidizing solids, liquids and gases; organic peroxides and cryogenics;
- (8) No business that involves the use of prescription drugs shall be allowed;
- (9) No business that generates odors, noises, or vibrations that may disturb residents shall be allowed;
- (10) A single commercial vehicle may be used in association with the live/work business, but shall not exceed one ton in capacity; and
- (11) Adult-oriented businesses<sup>1</sup>, astrology<sup>1</sup>, palmistry, massage<sup>1</sup>, head shops<sup>1</sup>, and similar uses shall not be allowed.

(b) Project conditions of approval shall specify allowed uses for live/work units in R-3 zones, in conformance with the above criteria. For live/work units in commercial zones, allowed uses will be based on the permitted uses of the zoning district, in conformance with the above criteria; and

- (c) At least one tenant of each live/work unit shall obtain and keep current a City of Fremont business license, including an inventory of any hazardous materials used or stored, for a business based at the live/work address.